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WORLD CONFERENCE ON HUMAN RIGHTS
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Agenda items 7, 8, 11 and 12

EVALUATION OF THE RESULTS ACHIEVED IN THE PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, WITH EMPHASIS ON THE IMPLEMENTATION OF THE RELEVANT HUMAN RIGHTS STANDARDS AND INSTRUMENTS AND ON THE EFFECTIVENESS OF INTERNATIONAL AND REGIONAL METHODS AND PROCEDURES

IDENTIFICATION OF OBSTACLES TO THE FULL REALIZATION OF ALL HUMAN RIGHTS

RECOMMENDATIONS TO ENSURE THE EFFECTIVE ENJOYMENT OF ALL HUMAN RIGHTS AND IMPROVE COORDINATION OF THE MECHANISMS OF THE UNITED NATIONS AND REGIONAL SYSTEMS, AS WELL AS THE RELATIONSHIP BETWEEN THEM, AS APPROPRIATE

RECOMMENDATIONS TO ENSURE THE NECESSARY TECHNICAL AND FINANCIAL COOPERATION FOR THE STRENGTHENING OF THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

Written statements submitted by non-governmental organizations in consultative status with the Economic and Social Council and by other non-governmental organizations

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I. WRITTEN STATEMENTS SUBMITTED BY NON-GOVERNMENTAL ORGANIZATIONS IN CONSULTATIVE STATUS WITH THE ECONOMIC AND SOCIAL COUNCIL

1. Coalition against Trafficking in Women

Sexual exploitation violates human rights

1. Many international women's human rights achievements are seriously threatened by the massive sexual exploitation of women, especially in prostitution.

2. Industrialized prostitution, such as sex tourism and mail-order brides, is promoted by multinational conglomerates that specialize in producing packages of "sexual services". Entire villages in Thailand, the Philippines and other South-East Asian countries have been turned into centres for prostitution tourism for military personnel and businessmen. Traffickers are showing an increasing interest in women and girls in Latin America.

3. It is estimated that since the mid-1970s, this traffic has affected 30 million women. Women in the migration process, refugee women and children, women working in free trade zones, poor women, handicapped women, women prisoners and victims of sexual abuse in childhood are among the groups most vulnerable to prostitution and sexual exploitation. Prostitution deeply aggravates the harm experienced by women in these situations.

4. In the West, a powerful pro-prostitution lobby that has vested economic interests in promoting prostitution and related sex industries has rendered invisible the victimization of women and children by prostitution by promoting State policies that legitimize prostitution and nullify laws on pimping.

5. In recent decades, massive increases in global prostitution have been accompanied by intensive campaigns to legitimize it by promoting false distinctions between "free" and "forced" prostitution which only serve to make one exploitation more acceptable than the other. Prostitution sexually exploits and therefore harms women. As long as prostitution itself is ignored as a violation of women's human rights and men can buy sex and women's bodies with impunity, different and more degrading and inhuman practices will flourish, placing the human rights of women, both prostitutes and non-prostitutes, increasingly at risk.

6. Prostitution violates women's well-established right to human dignity, bodily integrity and physical and mental well-being and constitutes an extreme example of sex discrimination. Women's rights have already been established universally and their protection must be extended to all women who engage in prostitution, including the right to a decent standard of living, to custody of one's children, to protection from sexually transmitted diseases and to a private life, as well as freedom from ostracism for being a prostitute. However, the pro-prostitution lobby subordinates these rights by making paramount the "right to prostitution", which is represented as a choice made by women. The concept of human rights rejects the use of the standard of individual choice as the basis of a right when it includes the right to harm another or to inflict harm on oneself.

7. Today, the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others has only limited value in protecting women's human rights because: (a) it promotes decriminalization, which frees the "customer" to buy sex; and (b) it ignores the effect of sexual exploitation in prostitution and the role of prostitution in women's overall subordination in society. However, because it prohibits pimping, we recommend that the 1949 Convention be strengthened, especially in terms of monitoring.

8. A new approach to prostitution which recognizes that it sexually exploits and victimizes women in required and must be developed on the basis of universal human rights standards applicable to all persons.

9. In focusing on sexual exploitation, the Coalition Against Trafficking in Women has proposed a new international law that will directly challenge the legitimacy of treating women as sexual merchandise. Furthermore, the new law must identify prostitution with all situations of sexual exploitation, including sexual harassment, sexual violence against children and all forms of sexual violence against adult women.

Elements of a new United Nations convention to eliminate all forms of sexual exploitation

10. Sexual exploitation is a violation of human dignity. Therefore:

(a) Freedom from sexual exploitation is a fundamental human right;

(b) Sexual exploitation is a practice by which person(s) achieve sexual gratification or financial gain or personal advancement through abuse of a person's sexuality by abrogating that person's human right to dignity, equality, autonomy and physical and mental well-being;

(c) Sexual exploitation takes the form of, but is not limited to, sexual harassment, rape, incest, wife abuse, pornography and prostitution. Prostitution includes prostitution in and around military bases, sex tourism, mail-order brides and trafficking in women;

(d) As sexual exploitation violates human rights, in prostitution we must depenalize the prostitute and penalize the customer and anyone who promotes sexual exploitation, including pimps and procurers;

(e) Sexual exploitation violates the human rights of anyone subjected to it, female or male, adult or child, rich or poor;

(f) Sexual exploitation preys on women and children made vulnerable by poverty and underdevelopment, economic policies which promote immigration for temporary labour, and development policies which ignore or discriminate against women;

(g) Sexual exploitation of women through prostitution victimizes and harms all women and society at large. The sale of the individual prostitute

symbolizes or conveys the message that all women can be sold or are goods for sale. Sexual exploitation makes women less than human and reinforces their second-class citizenship or inferior status throughout the world.

2. International Human Rights Law Group

Human rights of women and the World Conference on Human Rights, 1993

1. The International Human Rights Law Group joins women's rights activists worldwide in calling on the 1993 World Conference on Human Rights to examine the failure of the United Nations to respond effectively to the persistent violations of women's fundamental human rights that are occurring in every region of the world. Both the United Nations specialized agencies and the political organs dealing with human rights have largely ignored violations of women's human rights. Abuses affecting women disproportionately or specifically based on gender - such as rape, restrictions on women's legal capacity or the denial of their right to food - are frequently overlooked or characterized as social or cultural practices that exceed the sphere of human rights norms and the procedures for applying them. Procedures for implementing the prohibition against sexual discrimination are still weak compared with the systematic discrimination on grounds of sex found in family law, family life, political and public life, employment and education. The World Conference must adopt recommendations for modifying existing human rights mechanisms and adopting new initiatives which ensure that Governments are held responsible for such violations.

2. Among the issues related to women's human rights which should be included in the agenda of the World Conference, the Group wishes to emphasize the following:

(a) First of all, in reviewing developments in the field of human rights since the adoption of the Universal Declaration of Human Rights, the Conference must take into account the failure of existing mechanisms to pay proper attention to violations of women's human rights, including abuses related specifically to gender, in areas within their sphere of competence. The Committees set up under the International Covenants (with the obvious exception of the Committee on the Elimination of Discrimination against Women (CEDAW), the rapporteurs appointed and the working groups established by the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the Commission on Human Rights, and experts appointed under the programme of advisory services have either ignored or minimized abuses based specifically on gender. For instance, the recent general comment of the Human Rights Committee on article 7 of the International Covenant on Civil and Political Rights does not mention whether rape and other forms of sexual abuse against women constitute torture and degrading treatment, yet it cites as an example of torture and degrading treatment the corporal punishment of children in private schools or institutions;

(b) Training programmes and supervisory procedures are essential for ensuring that a specifically gender-based analysis is included in the work of human rights mechanisms, especially in fact-finding and in the formulation of recommendations to States. The Group supports the proposal for a

United Nations High Commissioner for Human Rights and stresses that his or her responsibilities should include the incorporation of women's human rights and improved coordination between the United Nations programme for the advancement of women, the human rights programme and the development programme. The High Commissioner's staff will therefore have to be knowledgeable about women's human rights;

(c) In evaluating human rights mechanisms, the Conference should examine the issue of violence against women. In every region of the world, women suffer forms of violence that violate their fundamental human rights, including domestic violence, rape, sexual aggression, female infanticide, the killing of women and children by family members "to preserve the family honour", murder for lack of or insufficient dowry and other forms of violence related to customs or traditional practices, and the preference for sons which results in inferior nutrition, health care and education for girls;

(d) The World Conference should call on States to take practical steps to eliminate violence against women, which is endemic in all societies. There are various forms of violence against women that violate safeguards established in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women and other human rights instruments. The Conference should adopt recommendations to ensure that gender-based acts of violence are taken into account, as violations of existing safeguards, in United Nations procedures for observing and reporting on human rights situations and dealing with complaints;

(e) The Group acknowledges the recent steps taken by the United Nations to enforce international protection against violence directed specifically at women, through the preparation of the draft declaration on violence against women adopted by the intersessional meeting of the Commission on the Status of Women held in 1992. There is an urgent need to define the implications of States' obligations to prevent and respond to violence against women in public and private life;

(f) In the second place, and in order to enforce the prohibition against sex discrimination, the Conference should consider means for strengthening implementation of the Convention on the Elimination of All Forms of Discrimination against Women. A great number of far-reaching reservations have been made to the Convention. Some of them are so broad and so vague as to make it impossible to determine the sphere of obligations that States still have. In addition, several of those reservations exclude the States entering them from the basic obligation of eliminating discrimination based on gender and are thus incompatible with the purpose and intent of the treaty. The Conference should appeal to States Parties to withdraw their reservations or reformulate in more specific terms those that are not compatible with the purpose and intent of the Convention;

(g) A second step towards enhancing application of the Convention would be to adopt an optional protocol creating a procedure for the submission of individual and intergovernmental complaints. An optional protocol allowing

for complaints would provide a means for making reparation to victims and would open the way for subsequent interpretation and application of the Convention;

(h) In the third place, in its consideration of the interdependence and indivisibility of economic, social, cultural, civil and political rights, the Conference should examine reports and studies that refer specifically to gender. The denial of economic rights and the negative impact of structural adjustment policies in many countries have had a disproportionate effect on women, because of sex discrimination in public and family life and the role played by women in economic production. The Conference should recommend means for strengthening the application of economic, social and cultural rights, such as the creation of an optional complaints procedure under the International Covenant on Economic, Social and Cultural Rights, and should encourage the Sub-Commission and the Commission to consider appointing a special rapporteur to study the link between racial and sex discrimination in the practice of specific economic, social and cultural rights;

(i) In the fourth place, the Conference should carefully examine the activities carried out by the United Nations to promote peace, its mechanisms for responding to emergencies and its humanitarian assistance as "contemporary trends in and new challenges to the full realization of all human rights" of men and women. In particular, the Conference should recommend measures for preventing and responding to abuses specifically related to gender in situations of internal or international armed conflict or ethnic conflict. The systematic and massive raping of women in Bosnia are evidence of the horror and gravity of abuses against women in situations of conflict;

(j) In the fifth place, as suggested in resolution AFRM/13, on the protection of human rights of women, adopted by the Regional Meeting for Africa, governments should consider all forms of religious or cultural intolerance that deny the human rights and freedoms of women. In considering the need to ensure the universality of human rights, it should be recognized that religious revival in many religious traditions has resulted in systematic restrictions on the basic rights of women;

(k) In the sixth place, in formulating recommendations for stressing cooperation in the field of human rights, the World Conference should ensure that the human rights dimensions of issues that have implications for the work of the specialized agencies are not neglected. In particular, the human rights dimensions of the AIDS pandemic can be adequately dealt with only through the combined efforts of the United Nations specialized agencies and human right agencies, with special attention being given to the needs of women. As the Committee on the Elimination of Discrimination against Women has stressed in its general recommendation No. 15, programmes to combat AIDS should give special attention to the rights and needs of women and children, and to the factors relating to the reproductive role of women and their subordinate position in some societies which make them especially vulnerable to HIV infection.

Recommendations for adoption by the World Conference

3. In order to promote the full realization of civil, political, economic, social and cultural rights of women, the Group urges States members participating in the World Conference to recommend the following measures for enhancing implementation of the human rights of women.

(a) A United Nations special rapporteur on gender-based discrimination and on violence against women should be appointed through the human rights programme based in Geneva. The rapporteur should be authorized to receive and transmit information from Governments, non-governmental organizations and intergovernmental institutions; to respond effectively to complaints of abuses against women, and to recommend measures for preventing the continuation of such abuses.

(b) The application of the Convention on the Elimination of All Forms of Discrimination Against Women should be strengthened by:

(i) Appealing to States parties to withdraw those reservations to the Convention that constitute obstacles to its effective application, to object to reservations entered by other States parties that are incompatible with the purpose and intent of the Convention and to endorse the suggestion by the meeting of Coordinators that the Sub-Commission should prepare an analysis of questions on incompatibility deriving from the reservations to the main human rights treaties;

(ii) Appealing to a Working Group of the Commission on the Status of Women to design procedures to draw up a draft optional protocol establishing a procedure for the submission of individual complaints under the Convention and supporting the drawing up of such an optional protocol;

(iii) Providing adequate financial and human resources to the Committee on the elimination of Discrimination Against Women.

(c) Steps should be taken to ensure that committees established under the International Covenants, rapporteurs and working groups dealing with specific subjects and countries, independent experts and other bodies responsible for protecting human rights study violations of the human rights of women, including abuses specifically related to gender, in those areas falling within their mandates (through assistance services and training programmes, and observation, reporting and complaint procedures). These steps should include the following:

(i) Training of support personnel in the areas of human rights and humanitarian assistance offered by the United Nations and of independent experts in order to ensure that they study human rights abuses that specifically affect women and that they carry out their work without any prejudice based on gender;

(ii) Regular assessments of the effectiveness of United Nations observation, reporting and complaint procedures, as well as of the Organization's advisory services and training programmes relating to the analysis and preparation of more effective responses to violations of the human rights of women.

(d) Goals and deadlines should be established to ensure equal representation of women on all committees set up under the International Covenants, as well as among special rapporteurs and working groups established by the Commission on Human Rights, the Sub-Commission on the Prevention of Discrimination and Protection of Minorities and in the programme of advisory services in the field of human rights.

3. Liberal International

Recommendations addressed to the World Conference on Human Rights

1. The World Conference on Human Rights offers the community of nations and the peoples of the world, represented by government and non-governmental organizations, an opportunity to reaffirm their commitment to the promotion of human rights and consider the establishment of new instruments and institutions to combat flagrant mass human rights violations which pose a threat to humanity.

2. In support of the deliberations and decisions of the World Conference, Liberal International recommends:

(a) urgently calling for the appointment of a commissioner of human rights and minorities;

(b) recommending the establishment of an international court of human rights;

(c) broadening the scope of existing human rights conventions to include the examination of the situation of all victims of domestic armed conflicts;

(d) drafting a United Nations convention providing for immediate intervention in the event of serious breaches of international law, human rights or minority rights;

(e) deciding to establish institutions in all regions so that persons, groups or States can intervene swiftly and efficiently in order to enforce respect for human rights;

(f) urging all States to create a legal climate in which non-governmental human rights organizations feel motivated to do their share in order to make an effective contribution to the promotion and protection of human rights;

(g) reminding all States to promote human rights educational programmes, widely publicize rights and make every effort to enforce all available international, national and regional instruments.

3. Liberal International wishes to stress, in particular, the close relationship between human rights, democracy and development. The recent recognition of new human rights such as the right to development or the right to a sound environment shows that international human rights norms are continually evolving. Such new rights should be developed further in order to enhance those already existing.

4. Practicable paths towards the realization of the right to development must be found. According to the 1986 United Nations Declaration, human beings must be at the centre of an integral development process which includes civil, political, economic, social and cultural rights. To that end, effective action must be taken by all parties involved in the process, particularly international financial institutions.

5. Respect for human rights is essential for achieving the objectives of the United Nations, and establishing and maintaining peace and equality. Accordingly, the Organization's human rights programmes must be provided with the material and financial resources necessary to that end. Recent events have highlighted the vital role played by non-governmental organizations in promoting human rights throughout the world. It is time to recognize the role and status of non-governmental organizations in human rights issues at the national and international level.

4. Baha'i International Community

The Baha'i faith and human rights

The Baha'i International Community wishes to stress that the main purpose, the fundamental objective of enacting powerful laws and establishing lofty principles and major institutions covering all aspects of civilization is human happiness, which consists in drawing near to the threshold of almighty God and ensuring peace and well-being for every member of the human race; and that the supreme instruments for achieving these two objectives are the excellent qualities with which humankind is endowed.

The cornerstone of the foundation of human rights - justice - is the central interest of the Baha'i faith. Baha'i communities around the world live in the belief that justice is the expression of love and unity in social life, and Baha'is have accepted Baha'u'llah, the prophet and founder of their faith, as the standard of justice for our time and the source of divine law.

From the Baha'i standpoint, the worldwide establishment of human rights depends directly on the response of the human race to this divine gift for human transformation. World peace and civilization can be achieved only if each person, through education and divine laws, develops his or her innate spiritual qualities. The capacity for unity, justice, love, compassion, mercy, honesty and trustworthiness - virtues which are all potentially latent

in us - must grow under the wise and powerful direction of the divine educator until we become social beings with a spiritually developed nature that will guide us to the fulfilment of our destiny and that of the world.

Baha'i teachings converge on the idea that the integrity of the family tie must constantly be borne in mind: there must be no violation of the rights of any member of the family, of the rights of the children, of those of the father, or of those of the mother. Thus, just as children have certain obligations towards their fathers, so fathers have certain obligations towards their children. Mothers, brothers and sisters and other members of the family have their own prerogatives. All these rights and prerogatives must be maintained and family unity must be sustained. An offence to one must be considered an offence to all; the comfort of one, as the comfort of all; the honour of one, as the honour of all.

Another important teaching is that of equality of rights and opportunities for men and women. Indeed, all human beings are creatures and servants of one God. The world of humankind consists of two parts: men and women. Each one compliments the other; consequently, if one is defective, the other will necessarily be incomplete, and it will not be possible to achieve perfection ... Therefore, women must receive the same education as men ... There must be no difference in the education of men and women, in order that women may develop the same capacities ... and may participate along with men in social and economic life.

Baha'u'llah taught that a new world can only be constructed by a new race of men and women; order and civilization can only be established in the world by people whose actions reflect values of love, unity and justice, applied equally to all races, beliefs, nationalities and classes.

We ask that the agenda of the World Conference on Human Rights include the following items:

1. Protection of the rights of the family.
2. Protection of the rights of children.
3. Equality of rights and opportunities for both women and men.

5. World University Service

Academic freedom and university autonomy

1. The World University Service draws the attention of the Regional Meeting for Latin America and the Caribbean of the World Conference on Human Rights to the situation of systematic violation of the human rights of university staff and students in the region and to the need to adopt international mechanisms and instruments which guarantee full observance of the right to education and other rights established in the Universal Declaration of Human Rights.

2. In recent years, university staff and students in Latin America and the Caribbean have been prime targets of repression and intolerance and have suffered persecution; their rights have been trampled upon and they have been prevented from carrying out their full range of academic and scientific activities.

3. The cases of the University of San Carlos in Guatemala and the national universities of El Salvador, Haiti, Peru and Colombia, among others, have given rise to numerous complaints of murders, arrests, disappearances and torture of lecturers, students and administrative authorities and employees, and of military occupation of universities, destruction of their equipment and obstruction of the exercise of their fundamental rights.

4. This situation has been compounded in recent years by the growing trend in some countries towards limiting the pursuit of academic life by means of administrative measures that cut back on university budgets, thereby reducing universities' research and other activities and extension work and curtailing free access to higher education. All these measures have been adopted in the context of structural adjustment programmes, which have been denounced time and again for restricting the economic, social and cultural rights of peoples and their right to development.

5. This year's World Conference on Human Rights offers an ideal opportunity for the international community to take the necessary steps to guarantee the full exercise of academic freedom, understood as the right of all members of the academic community individually or collectively, to develop and transmit knowledge through study, research, discussion, documentation, production, creation and teaching.

6. The World University Service declares that the protection of academic freedom and university autonomy are the cornerstones of any sound educational system and also a necessary precondition for the safeguarding of other basic rights and freedoms linked to development and the maintenance of democracy.

7. The utmost efforts must be made to ensure that everyone enjoys the right, based on his or her abilities and competence and without discrimination of any kind, to become a member of an academic community, to be protected against arbitrary treatment and to enjoy all basic rights.

8. Academic freedom is an especially important right in higher education and derives from the right to education and its relationship with freedom of thought and freedom of expression and opinion.

9. Taking into account the above considerations and also the basic considerations set forth in the Universal Declaration of Human Rights (1948), the International Covenant on Economic, Social and Cultural Rights (1966), the International Covenant on Civil and Political Rights (1966) and UNESCO instruments in the field of human rights and education, particularly the covenant against discrimination in education (1960), the Declaration of the Principles of International Cultural Cooperation (1966) and the recommendation on the status of scientific research (1974).

The World University Service proposes:

1. That the Regional Meeting recommend to the World Conference on Human Rights the adoption of an international declaration on academic freedom in keeping with the considerations set forth in the Lima declaration on academic freedom and autonomy of higher education institutes (1988), the magna carta of European universities (Bologna,

1988), the Dar-es-Salaam declaration on academic freedom and the social responsibility of academics (1990) and the Kampala declaration on intellectual freedom and social responsibility (1990).

2. That the Regional Meeting recommend to the United Nations Educational, Scientific and Cultural Organization (UNESCO) that, on the basis of the above-mentioned declarations and other inputs, it prepare an international instrument for the protection and promotion of academic freedom and university autonomy.

6. Service, Peace and Justice in Latin America

Topics for discussion at the World Conference on Human Rights

1. Participation of non-governmental organizations

The secretariat established at the meetings of the Preparatory Committee that non-governmental human rights organizations in consultative status with the Economic and Social Council and those working actively in the field of human rights and/or development and based in the corresponding regions may, after consulting with the countries of the region, participate in the World Conference on Human Rights.

This provision does not specify whether these organizations must be regional or national, or their level of participation in the World Conference (indicating only that they are to have observer status).

The participation of national human rights institutions is vitally important to our organizations, since they represent years of struggle for the observance of human rights in the countries of Latin America and throughout the world, and are thus the best vehicle for reproducing the conclusions and advances of the Conference at the local level. The Conference should include not only regional representatives, which not all organizations have, but also the direct participation of non-governmental organizations which maintain ongoing activities and close relations with those who suffer violations of their rights on a day-to-day basis.

The contributions of these organizations, which have accumulated a wealth of experience, are also essential for reviewing the observance of human rights over the past 25 years and for improving future United Nations practice in this field.

We therefore consider that the United Nations Centre for Human Rights should also collaborate by providing the necessary information and by partially or totally funding the attendance of representatives of non-governmental organizations at the Conference and at the regional preparatory meetings.

2. The agenda

The objectives proposed by the General Assembly in its resolution 45/155 appear to reflect current needs regarding the necessary tools for ensuring the observance of human rights. However, we would like to present the following observations on some topics for discussion at the Conference.

2.1 Economic, social and cultural rights. Right to development.

As stated in the second objective of the World Conference on Human Rights, the universal enjoyment of human rights is directly related to their indivisibility. Experience has taught us that an environment of respect for human rights cannot be created if some of these rights are violated, even for the "benefit" of the others. It is still less permissible to restrict the scope of human rights to civil and political rights, as some recent public statements have implied, and to ignore the obligation of every State to provide decent living conditions for its people.

As Latin American organizations, we feel that this topic should be dealt with in all its dimensions (political, economic, ethical and social), since it characterizes our societies today. While it is true that mass violations of individual rights have declined (despite the persistence of systematic State violation of human rights in some countries), violations of economic, social and cultural rights have proliferated, not as an unwanted side-effect of democratic adjustment but as part of a deliberate policy that progressively marginalizes most of the population and condemns it to poverty; in this regard, see the report of the expert Danilo Türk (E/CN.4/Sub.2/1992/16). This policy goes hand in hand with the State's abandonment of all social responsibility and generates a type of democracy that effectively questions its own validity by failing to meet the most basic social demands.

The application of these policies constitutes a violation of various rights established in the Universal Declaration, the Covenants and subsequent conventions (on health, education, decent housing, labour law, rights of the child, etc.). Their consequences for the region are imperilling the future of Latin Americans.

On the occasion of the World Conference, the United Nations should review its monitoring and advisory mechanisms, as well as the functioning of its own bodies in the economic field (the International Monetary Fund and the World Bank), since the latter's decisions directly affect the observance of human rights. The Organization should also establish mechanisms for the comprehensive evaluation of respect for these rights.

2.2 Justice and impunity

Latin American democracies are also adversely affected by impunity. This phenomenon, understood as the failure to punish those who have committed crimes against human rights, undermines the very concept of equality before the law and lays the foundations for a social system in which justice is obtained by only a select few. Impunity thereby becomes a "law" which exempts a given group of people (usually close to those in power) from any control over their actions, while the vast majority faces a "selective" justice system

that places a disproportionate burden on the most vulnerable sectors. As the expert Danilo Türk states in the afore-mentioned report, "We need only consider the fact that many of the daily actions carried out by disadvantaged social groups are considered by public officials in many countries as technically 'illegal', with the use of law designed to infringe and not respect the rights of the poor".

The United Nations has determined, in various forums (such as the Working Group on Enforced or Involuntary Disappearances), that impunity is the greatest incentive for committing human rights violations. Nothing is more favourable to the commission of a crime than the assurance that it will go unpunished. We refer in particular to civil and political offences - such as disappearance, torture, etc. - but consideration must also be given to impunity with regard to economic and other offences, which lead to situations of widespread corruption and injustice that threatens the survival of democracy.

At its most recent session, the Sub-Commission on Prevention of Discrimination and Protection of Minorities adopted, without a vote, the resolution contained in document E/CN.4/Sub.2/1992/L.28, in which it recommends that the Commission and the Economic and Social Council authorize two experts to carry out a study on impunity. This resolution is based on the working paper of Messrs. Louis Joinet and El Hadji Guissé on the struggle against this phenomenon (E/CN.4/Sub.2/1992/18), which sets forth important recommendations which we endorse. In addition, a group of 28 non-governmental organizations submitted a document summarizing the main causes of impunity (E/CN.4/Sub.2/1990/NGO/20).

We take a special interest in the review of justice systems, since they are one of the factors which give rise to impunity when, instead of functioning independently, they act in connivance with political power and limit themselves to validating the latter's decisions.

The World Conference on Human Rights is an excellent forum for discussing impunity, which is one of the most serious human rights issues and which constitutes in itself a violation of these rights. We propose that this topic be included as an agenda item, since the effects of impunity are not confined to Latin American countries, but represent a universal problem.

2.3 Right to self-determination

Unfortunately, some States in Latin America and other areas of the world still suffer from interference by another State, usually a more powerful one, and even the occupation of their territories. In the current configuration of world power (which tends towards unipolarity), this phenomenon has become more dangerous for countries of the so-called third world.

Latin America is still witnessing situations such as that of Panama (which has been occupied by United States troops since December 1989) and the growing threat that the right of self-determination will be curtailed, in view of unilateral manifestations of power such as the United States Supreme Court decision authorizing kidnapping in any country of the world.

Equally perilous is the situation of Cuba, which is suffering international pressures in addition to the trade embargo imposed by the United States for more than 30 years, all of which constitute an attack on the basic rights of its people. The "Torricelli amendment", condemned by the United Nations General Assembly, illustrated the lengths to which a great Power may go to interfere in the internal affairs of another country, even violating the right of third countries to decide freely on trade policy.

Drug trafficking, which is undoubtedly harmful to the stability and development of our peoples, has given rise to flagrant violations of the right to self-determination of countries considered "producers" of the raw material, with the adoption of unilateral "solutions" that include the sending of foreign troops. This phenomenon represents a new challenge for the United Nations, which must find solutions that reflect the reality of the countries involved and not the political and economic interests of the great Powers. The militarization of these societies, far from cutting down on trafficking and trade in drugs, has once again jeopardized the principle of non-intervention.

Thus, Latin America is also suffering from the problems of this type experienced in other parts of the world (such as East Timor, Western Sahara and the region of Palestine, among others).

2.4 Monitoring mechanisms

This subject is important to the foregoing issues and to all the resolutions, declarations, covenants and conventions adopted by the United Nations. The Organization's monitoring of its international mechanisms for the promotion of human rights and prevention of the violation thereof must be seriously evaluated.

The need for such an evaluation has been expressed in many areas of the Organization, since it is common for States which have signed these instruments to fail to respect their commitments. Existing authorities, such as working groups, commissions, treaty bodies and the Centre for Human Rights itself, are essential tools for improving the observance of these rights. However, repeated violations in many countries show that the current reality is far from satisfactory.

Even advisory services lack evaluations on the part of States, and their work is often ignored or their recommendations are not known by more than a few officials. They are even used politically by States which then continue to violate human rights. The participation of non-governmental organizations would be very valuable in this regard since, with the backing of the United Nations they could contribute to the impartiality and the ongoing evaluation of the implementation of these recommendations.

7. International Organization for the Elimination of All Forms of Racial Discrimination

Equality of treatment and opportunity

The International Organization for the Elimination of All Forms of Racial Discrimination, an institution founded 17 years ago and recognized by the United Nations in consultative status with the Economic and Social Council, has been struggling since then for equality of treatment and of social, economic and political opportunity all over the world.

This meeting in San José presents us with a unique opportunity to reiterate our belief in the possibility of advancement for the human cause through instruments such as those being created here.

The role of government in promoting development and security for all its citizens has been declining through the emergence of new and powerful multinational economic organizations and a multitude of non-governmental organizations such as ours.

The new forms of mass electronic media and advances in mass transportation have opened up greater opportunities and at the same time new and greater responsibilities for those holding leadership positions in our society. The non-governmental organizations assembled here are taking advantage of these new and enhanced opportunities for peace and international cooperation, which result also from the end of the cold war and the hope for a new and promising world of understanding and cooperation.

These new possibilities and roles of governments and NGOs cannot, however, be fully realized if the most elementary and basic principles of human rights are not respected fully by all. Indeed, super-Power policies are now being applied to force the so-called less developed and non-western section of our planet to accept and practice the rules of civilization, human rights included. This is a formidable development which we should view with renewed hope. No doubt we should salute those who, without any self interest and/or advantage, pursue efforts to promote human rights everywhere in the world.

However, while such "humanitarian" policies are being promoted in third world countries, the same promoters of human rights policies do little at home to curb racial discrimination involving third-world migrants living in the United States, Europe and Japan. At the same time horrendous crimes are being committed against entire ethnic groups in Africa, in the former Yugoslavia, in Eastern Europe and in the Middle East without any reaction from the big Powers. Frequently, double standards are used, and action is taken basically in terms of the strategic, political and economic interests of new planetary law enforces. Considering these facts which appear in everyday newscasts, we from EAFORD submit to this Regional Meeting for Latin America and the Caribbean of the World Conference on Human Rights the following:

1. Our support for the establishment of a world system for the protection of human rights that will have infrastructure and authority to

prevent government and private interests from inflicting on groups and/or individuals damages and/or losses, be they physical, economic, political, cultural, environmental and/or political.

2. That this Meeting submit to the appropriate authorities of the United Nations our disappointment and discontent with the double standards used by the super-Powers in implementing human rights principles and practices, abroad and at home.

3. That this Meeting submit to the United Nations authorities our request that an appeal be made to European, United States and Japanese governments to take firm action to prevent further discrimination and to cease the practices which discriminate groups and individuals of different cultures and races.

4. That this Meeting inform the United Nations authorities of our dissatisfaction with the use of massive war violence against civilian populations by super-Powers in the name of human rights, for we cannot agree with the use of weapons of massive destruction for the implementation of human good. They can never agree with each other.

8. World Organization against Torture

Recommendations addressed to the World Conference on Human Rights

Since the proclamation of the Universal Declaration, major strides have clearly been made in gaining recognition for human rights. Such initiatives as legislation, assistance, promotion, international monitoring activities and the development of the human rights movement in general have found expression in the incorporation of principles and norms into the constitutional texts and laws of various countries; the establishment of national mechanisms for supervision, monitoring and promotion; and the emergence of non-governmental organizations - both national and international - inspired by human rights principles and norms.

There are still certain defects, inconsistencies and contradictions in this universal process, however, that must be overcome. Socio-political and economic developments on the international scene, the worsening imbalance and social inequality in many countries and among States, the emergence of inter-ethnic, political and religious contradictions and conflicts and the resurgence of xenophobia and racism are new challenges that confront us.

The World Organization Against Torture (OMCT) has repeatedly expressed its concern about the need to review and strengthen international monitoring instruments and mechanisms, open up new avenues of international action and ensure the interrelationship and complementarity of the various mechanisms, from a perspective that will increase the effectiveness, dynamism, and objectivity of these mechanisms and make them more accessible to those who need them.

In this context, OMCT believes that, in order to surmount some of the obstacles impeding respect for human rights, it is of the utmost importance that the World Conference encourage the adoption of measures designed to:

- Reaffirm the indivisibility and interdependence of human rights, without hierarchies or priorities among them;

- Promote the development of peoples' capacity to appeal, individually or collectively, to international monitoring bodies;

- Affirm the rights of minorities and indigenous peoples in every respect, at both the national and international level;

- Expand and strengthen existing norms and mechanisms to protect children, women and particularly vulnerable groups and implement those norms effectively;

- Establish more rigorous procedures for thematic and country reporting to oversight bodies, and for on-site inspection and investigation, ensuring that they do not become mere mediation efforts;

- Strengthen advisory and assistance services, avoiding the tendency to use them as a substitute for the interest and attention the Commission should devote to reviewing the situation in countries with a record of serious and persistent human rights violations;

- Strengthen activities to restore peace and establish democracy through mechanisms to ensure the global, long-term promotion and recognition of human rights;

- Establish mechanisms and take appropriate, effective measures to prevent serious human rights violations, particularly torture, enforced disappearances, summary executions, etc.; and

- Encourage the acceptance of the principle of universal competence for the prosecution and punishment of those responsible for serious human rights violations.

The World Organization Against Torture further believes that the adoption of international human rights legislation must be complemented by national efforts to integrate it fully into legal texts and at various institutional levels, and that respect for and promotion and implementation of such legislation should be guaranteed through every possible means and in all circumstances. To that end, the following steps should be taken:

- Adopt mechanisms to ensure that States ratify international instruments and recognize the competence of international oversight bodies to receive communications addressed to them by individuals, and that citizens are guaranteed the right and necessary means to appeal to such bodies;

- Urge States to comply with their obligations to contribute the necessary resources for the functioning of oversight bodies and to report to such bodies in accordance with the provisions of the respective instruments or whenever those bodies so request;

- Make serious efforts to prevail on States to establish and/or strengthen the appropriate national institutions for ensuring the promotion, monitoring and defence of human rights and to strengthen courts and appeals bodies by ensuring both their necessary independence and their members' proper professional conduct and training in the field of human rights;

- Request States to ensure the right to equality before the law and its implementation without discrimination; to carry out exhaustive, impartial investigations of any human rights violations and to prosecute and punish the material or intellectual authors of such violations;

- Request States to establish appropriate mechanisms and resources for the due compensation or indemnification of victims or their relatives;

- Encourage the adoption of measures that promote the recognition of non-governmental organizations, the protection and safety of their members and their participation in all State activities to disseminate, defend and protect human rights;

- Obtain a serious commitment from Governments that they will make sustained efforts to offer human rights education and training in general and, in particular, among children, youth and the various State bodies.

The imbalance and profound inequality caused or encouraged by the economic policies or economic measures which States have adopted or been forced to accept have had serious consequences for the living standards of the peoples of various countries and, as a result, have aggravated social conflict and violence. This has led to serious human rights violations, especially of the right to life and to physical and psychological integrity.

This phenomenon is the result of the relative inconsistency between principles and norms relating to human rights, on the one hand, and their implementation and observance, on the other, owing to the economic and financial measures and policies adopted by States and financial, economic and cooperation institutions and organizations, both inside and outside the United Nations system.

In order to achieve greater consistency in this area, the World Organization Against Torture believes that the World Conference would make a great contribution if it recommended to the United Nations the establishment of a specialized consultancy mechanism responsible for the elaboration and implementation of new economic policies.

This mechanism might consist of a group of consultants specialized in the promotion and protection of human rights, who would be based at intergovernmental economic institutions and would have the authority to make an analysis of the human rights impact of development projects and of

programmes funded by those institutions through loans or guarantees, and to examine, in the short, medium and long term, the effects of those programmes among their target populations.

Such a mechanism should have the authority to oppose any programme whose implementation would clearly be contrary to the promotion of and respect for human rights and to inform the respective United Nations organs so that the necessary corrective action could be taken. This mechanism should also be able to give concrete definition to the different parameters of the right to development.

II. WRITTEN STATEMENTS SUBMITTED BY OTHER NON-GOVERNMENTAL ORGANIZATIONS

1. International Union of Students

Human Rights and democratic freedoms

The sixteenth Congress of IUS, held in Larnaca, Cyprus, from 20 to 24 January 1992,

1. Having discussed the constitutional commitment of IUS to promoting the right to democracy and the full observance of individual and collective human rights,

Observes:

2. That significant changes have resulted from the struggles of peoples and students for the restoration of democracy and for the observance of human rights, which in recent times have led to the fall of a number of dictatorial, single-party, military, authoritarian or totalitarian regimes in various parts of the world, particularly Latin America, Central and Eastern Europe, Asia and Africa;

3. That democratic forms of government are required which guarantee the participation of citizens in decision-making, through the election of Governments, the use of pluralistic methods and responsibility on the part of those who govern, together with respect for individual and collective human rights in the political, civil, social, cultural and economic spheres, and in particular the right to freedom of expression, freedom of the press and freedom of organization and association, all of which are basic principles for the development of human life;

4. That the rights to peace, security and freedom; freedom from discrimination on grounds of race, colour, sex, sexual orientation or any type of disability; housing; adequate economic and social conditions; health; work; social security; and leisure were established in the Universal Declaration of Human Rights and must be observed if people are to live in dignity;

5. That the issue of human rights has today taken on a global and universal importance that transcend all geographical, ideological, political and religious boundaries;

6. That, despite the foregoing, such freedoms and rights are still restricted in some countries by the practices of dictatorial, authoritarian or anti-democratic regimes which often enjoy the support of economic, military or political super-Powers;

7. That students and their organizations have participated actively in the struggle for the right to freedom, democracy and a decent life, and that many of them have given their lives in this struggle;

Stresses:

8. That the struggle of students and the student movement for their own rights has always been closely linked to the global struggle for human rights;

9. The need for IUS and its member organizations, in addition to their promotion and defence of student rights and academic freedoms, to continue organizing campaigns for democracy and human rights in countries where these are being violated, and to work in practical, effective solidarity with the student organizations and students of those countries;

Resolves:

10. That the Executive Secretariat's Division for Student Rights and Academic Freedom, as well as the relevant thematic platform, be mandated to continue the aforementioned policy through a variety of actions, measures and campaigns;

11. That cooperation in this area be carried out with various groups that work for human rights, especially Amnesty International, Human Rights Watch, the International Commission of Jurists, the Arab Organization for Human Rights, and others;

12. That campaigns and actions be carried out through IUS participation in various intergovernmental forums for the discussion of human rights issues, such as the United Nations Commission on Human Rights, the Council of Europe, the Conference on Security and Cooperation in Europe, and others;

13. Takes into account the aforementioned factors and, based on the wish of the member unions of IUS to create a thematic platform for human rights and democratic freedoms, resolves to carry out actions and adopt all appropriate measures to promote and defend the policy and interests of IUS in this area.

2. Centre of Environmental Studies

Human rights and the environment

Sound environmental conditions and the availability of sufficient resources to live a decent life - both individually and collectively, according to each culture's traditions - are an inalienable and fundamental human right that must not be the sole prerogative of an economic, social or cultural elite. Democratic management of the environment, together with the strengthening of popular participation in decision-making, would bring about a more equitable distribution of environmental benefits. The pattern of exploitation of human and material resources in Latin America, begun 500 years ago, exemplifies a type of development that is incompatible with the protection and promotion of the environment and human rights.

The Universal Declaration of Human Rights does not expressly deal with the topic of human rights and the environment; at the time it was proclaimed, the environment was just becoming an issue, and began to be observed

methodically in all its aspects shortly thereafter. The environment can be described as a system: a set of elements that interact among themselves, including both natural elements (life in the forests or oceans) and those created by human beings (cities, industry, etc.). All of these - in their relations and interactions - make up the environment.

The Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights establish, in their articles 3 and 6, respectively, that the right to life is inherent to the human person and that it is linked to other rights, including the right to health, to adequate working conditions, to decent living conditions, etc. In this sense, environmental conditions are directly related to the right to life.

Moreover, the International Covenant on Economic, Social and Cultural Rights establishes, in its article 11, "... the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing". These rights are elements of the social and natural environment and of the state in which the latter must be maintained in order to create decent living conditions.

In 1972, representatives of a number of States met in Stockholm and signed a document which, although not binding, highlighted the need for environmental protection: the Declaration of the United Nations Conference on the Human Environment proclaims, in its principle No. 1, that "man has the fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being, and he bears a solemn responsibility to protect and improve the environment for present and future generations".

On our continent, the Additional Protocol to the American Convention on Human Rights establishes, in its article 11, that everyone has the right to live in a healthy environment and to benefit from basic public services; States parties must promote the protection, preservation and improvement of the environment.

However, the environment - and the behaviour of its elements (natural, economic, social and other resources) - must be considered in terms of human needs for the full development of individual and community life. In January 1990, the World Consultation on the Right to Development as a Human Right was held, where it was concluded that development strategies which had centred exclusively on economic growth had largely failed in their attempts to achieve social justice, that human rights had been clearly violated and that the world's future could only be assured if the global environment was duly protected and restored.

In June 1992, the United Nations Conference on Environment and Development was held in Rio de Janeiro. Its Declaration establishes, in its various principles, that:

> "Human beings ... are entitled to a healthy and productive life in harmony with nature".

"The right to development must be fulfilled so as to equitably meet developmental and environmental needs of present and future generations".

"All States and all people shall cooperate in the essential task of eradicating poverty as an indispensable requirement for sustainable development, in order to decrease the disparities in standards of living and better meet the needs of the majority of the people of the world".

"Indigenous people and their communities and other local communities have a vital role in environmental management and development because of their knowledge and traditional practices. States should recognize and duly support their identity, culture and interests and enable their effective participation".

"The environment and natural resources of people under oppression, domination and occupation shall be protected".

"Peace, development and environmental protection are interdependent and indivisible".

Traditional development models in Latin America have produced the situation in which we now find ourselves. The region has suffered an increase in poverty and severe environmental degradation. In the most disadvantaged sectors of our region, these variables feed on each other, giving rise to an "environment of poverty" where healthy surroundings are the privilege of a select few, and affecting different vulnerable groups (women, indigenous peoples, minorities, children, residents of occupied territories, etc.) in different ways.

We therefore:

Urge that the right to a healthy environment be expressly declared a human right indivisible from and interdependent with the other human rights already established;

Support a regional approach that emphasizes a Latin American agenda for the environment and human rights which covers the following topics:

Integration of environmental issues into international mechanisms for the protection of human rights, so that violations of environmental rights may be reported;

Protection, support and promotion of indigenous cultures and other vulnerable groups;

Commitment on the part of States to enacting effective regulations to protect the environment from harm and the threat of harm;

Commitment on the part of States to including representatives of affected groups in decision-making processes on environmental issues, so that the real wishes of those involved may be expressed.

Guaranteeing legal recourse, through speedy, simple processes, for the protection of the environment;

Guaranteeing the distribution of the environmental benefits (natural and human resources) needed for individual and group development.

3. Rutherford Institute of Latin America

The right to freedom of religious expression and the right to life

The Rutherford Institute in Latin America has requested that this statement be distributed to participants and incorporated in the resolutions of the Regional Meeting and the final document.

(1) RIGHT TO FREEDOM OF RELIGIOUS EXPRESSION

Background

The explosive change in religious affiliation by millions of Latin Americans, especially since the mid-1960s, is common knowledge. The Catholic Church and some religious research centres estimate that between 15 per cent and 20 per cent of Latin Americans, or around 50 million people, belong to Protestant faiths, and many more do not belong to either the Catholic Church or the Evangelical and Protestant Churches but rather to other faiths.

In a society that has traditionally been authoritarian and hierarchical, this shift in religious affiliation has heightened friction, confrontation and potential violations of the human rights to freedom of conscience and worship.

Constitutional reforms

Recent constitutional changes concerning freedom of conscience and worship in the Republic of Colombia (1991) and the Republic of Paraguay (1992), which separate church and State and effectively guarantee (at least in theory) the right to religious freedom, are vital points of reference to be heeded by other Latin American nations. Even more recent are the changes introduced in Mexican legislation (late 1992) which restored, if only partially, Mexicans' right to religious freedom. Argentina and Bolivia, which, together with Costa Rica, are the only Latin American countries that still have an official religion, are already considering major constitutional changes that would guarantee all their citizens the full exercise of freedom of religious expression without discrimination. The Argentine and Colombian Congresses are also in the process of debating the adoption of specific laws on religious freedom that would fully guarantee these rights to all their citizens.

Violations of the right to religious freedom

Despite the aforementioned advances, reports of violations of the right to religious freedom are still common. To cite a few examples:

Cases of threats, persecution and forcible eviction of the Chamulla Indians and other indigenous peoples in southern Mexico for professing the Evangelical faith are internationally known. In Bolivia, abuses by State entities and intolerant communities, especially in rural areas, against religious groups have been documented and denounced at both the national and international levels.

In Peru, guerrillas have "declared war" on religious groups (Catholics, Evangelicals and others) and have, in fact, killed hundreds, if not thousands, of members of the clergy because of their faith and their actions based on and motivated by that faith. Also, many killings of members of the clergy have been attributed to government military forces. Colombia has witnessed the suffering and death of countless members of the clergy and other persons who have been discriminated against on grounds of their faith.

Our demand

We call upon the Governments of the Latin American countries, which are parties to the Universal Declaration of Human Rights, the American Declaration of the Rights and Duties of Man, the United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, the International Covenants on civil, political and cultural rights and other conventions and instruments which affirm and protect the right to freedom of conscience and worship, to enforce the national and international laws which safeguard these rights.

In addition, we ask organizations that defend human rights to devote more attention to violations of the right to religious freedom and to carry out educational programmes to discourage religious intolerance in Latin America.

Lastly, echoing the resolution adopted at the Regional Meeting for Africa of the World Conference on Human Rights, which included the topic of religious freedom as one of the priority items on its agenda, and taking into account the calls issued by the ambassadors of European countries and of the United States to discuss religious intolerance in Europe (such as in the former Yugoslavia), we request that the Final Declaration of the Regional Meeting for Latin America and the Caribbean include the topic of religious freedom in Latin America, and that the World Conference on Human Rights analyse mechanisms for guaranteeing the religious freedom of all Latin Americans.

(2) RIGHT TO LIFE

Background

The Associated Press recently published chilling statistics on abortion in Latin America: in Brazil, Mexico and Argentina, about 1 million abortions are performed annually in each country, and the figures for the other countries, although lower, are equally alarming.

In Bolivia, for example, out of a population of 6.5 million, 42,000 abortions are performed each year, or five abortions per hour. These figures may be inflated or may need to be further verified. However, how can

these abortions occur in a country like Bolivia, where the Penal Code provides for two to seven years of prison for the mother, consenting father and the physician or other person who performs the abortion? Only a few abortion cases actually reach the courts, and these are mostly abortions that have resulted in the death of the mother.

Legislation

In all Latin American countries, without exception, the crime of abortion is punishable by a prison sentence, because it is generally accepted that abortion takes the life of a human being. In only a few countries are exceptions made in cases of rape, incest or where the mother's life is in danger, as certified by a medical examination and authorized by judicial order.

Proposals to decriminalize abortion

To make matters worse, some groups have recently decided to promote the decriminalization of abortion in Latin America.

It is true that certain conditions of critical poverty exist, and that a great many people, especially women, lack even the minimal conditions of education, health and employment. Many families already have a number of children to support, and cannot afford to have any more. In a few cases, women have been raped or have been victims of incest, and suffer from the consequent physical and mental harm (these are crimes which should be severely punished). However, is this reason enough to take the lives of millions of unborn children? Are they the ones guilty of these crimes?

The scientific community has established that life begins at the moment of conception. Thus, the destruction of life, whether as a result of genetic engineering experiments or abortion, is a crime, since a human life is being sacrificed.

Some would argue that the "foetus" (from the latin "fetus" meaning "small") is "part of the mother's body" and that the mother can do what she wants with her body. Nothing could be further from the truth, firstly because the foetus or unborn child is a human being and therefore can hardly be "part" of another person's body. The fact that the unborn child is temporarily inside the mother's womb and connected to her by the umbilical cord does not make him or her a part of the mother's body, like her hand or her liver, for example. To claim that anyone has a "right" to take the life of this unborn child is therefore unacceptable. Secondly, having no absolute rights over our own bodies (this is why drug addiction, suicide and prostitution, for instance, are forbidden), still less have we any right to decide to end the life of another person, in this case that of our own child.

Those who demand the "right to choose" should make their choice before sexual intercourse (either abstinence or the use of condoms) and not after a human life has already been conceived.

Harmful effects of decriminalization

A pro-abortion mentality in Latin America would have far-reaching implications. In a society where there has been little respect for the lives of adults, the legalization - and hence approval - of the killing of unborn children could have serious consequences. This could lead to the justification and continuation of and even an increase in other horrible killings, such as the murder of street children. After all, it is only a matter of a difference in ages, as some children are at an age of only days or weeks since conception, while others are between 6 and 13 years old.

The experience of the United States should be borne in mind: following the decriminalization of abortion, an effort is now being made to legalize euthanasia (elimination of the elderly or of people with terminal illnesses). Once a society has approved the killing of a given class of people, the door is open for the elimination of others, usually in arbitrary fashion.

Our request

Although the problem of abortion should not be dealt with solely from the standpoint of criminal law, the law must be enforced and those who break it must be punished. We ask the Latin American governments to enforce those laws that punish the criminal practice of abortion.

In addition, we ask that the human rights agencies carry out a campaign to educate and raise the awareness of people and of society in general regarding the need to respect human life from conception until death by natural causes. Unborn children, like all the rest of us, have the right to life.

4. Human Rights Office of the Archdiocese of Guatemala

Appeal for peace and respect for the rights of all men and women

During the last few decades of our history, different sectors of Latin American society have worked hard to further the observance of human rights in a context of endemic violations of the most fundamental rights of the population. Some progress has in fact been made; however, infringements of certain rights - the right to life, to social and economic development, to civil and political liberties - still prevail to an alarming degree throughout the subcontinent.

The impunity of those who violate human rights continues to be a heavy burden which, in many of our countries, hinders the consolidation of authentically democratic systems and the strengthening of the power of the civil society, which is greatly limited by authoritarian structures. Ineffective legal mechanisms or the lack of political will to punish those responsible for abuses against human dignity actually protect and, in some cases, encourage those violations. Our effort should be directed at putting an end to the wall of impunity that has been built up and institutionalized in our society. That is the least we can do for the victims of forced disappearances, of tortures and of extrajudicial executions.

We must not forget that the difficulties encountered in efforts to make democracy and the rule of law viable have been aggravated by the lack of real participation in decision-making on the part of the civil society. As long as the armed forces refuse to submit to civilian authority, and as long as governments - even elected officials - do not provide channels for an authentic expression of the will of the people, democracy will not become a reality. The work of this Regional Meeting should be aimed, among other things, at strengthening civil power in Latin America.

We note with satisfaction the agreements that have been reached and the peace initiatives that have been promoted, especially in the Central American countries, but we must remember that true reconciliation entails profound transformations in the social, economic and political structures that threaten the lives of peoples and that have been the cause of internal armed conflicts. This also means that crimes against humanity must not be forgotten; rather, every effort must be made to discover the whole truth and to see that justice is done. Reconciliation will only be real when it goes hand in hand with truth and justice. It is therefore necessary to strengthen international surveillance and verification mechanisms in the field of human rights, and to create mechanism for guaranteeing observance of these rights on the part of States.

The collective efforts of this Regional Meeting are encouraging, as they show that there has been a clear awareness of the need to work to ensure respect for human rights. Nevertheless, it is important to remind delegates of the different governments that, regardless of whatever agreements or declarations might be signed, what is at stake is the lives of millions of people who have been deprived of the opportunity to live in dignity.

We note with satisfaction that 1993 has been declared the International Year for the World's Indigenous People, and we appeal to all Governments to pay attention to their just demands so as to enable them to control their own destinies.

Finally, we urge delegates to take into account the work done by the non-governmental organizations. This work reflects the struggles carried out within our communities to put an end to the culture of violence and death which still prevails and which must be eliminated if we are to see the revival of an authentic culture of peace and respect for the rights of all men and women.

5. Coordinadora Regional de Investigaciones Económicas y Sociales

General observations on structural adjustment programmes

1. This document has two interrelated objectives:

(a) To give a brief account of the debates on the impact and effectiveness of the group of policies known as structural adjustment programmes currently being implemented or about to be implemented in the Latin American and Caribbean countries and in many other developing countries. Specifically, to analyse the experience of structural adjustment programmes in the context of economic, social and cultural rights;

(b) To show support for the establishment of evaluation mechanisms and monitoring systems which would make it possible to gauge in what way and to what extent structural adjustment has compromised economic and social rights.

2. Without entering into the debate, we wish to state that we unconditionally support the concept of the interdependence and indivisibility of human rights, and the idea that equal consideration should be given to the full attainment of economic, social, cultural, civil and political rights.

3. The signatory States of the Universal Declaration of Human Rights should be accountable to their populations for the proper implementation of the necessary measures to ensure respect for those rights.

4. Appropriate interpretations of the basic minimum components of each right should be arrived at with a view to gradually achieving the full realization of economic, social and cultural rights. This will help to establish standards of conduct for governments and multilateral organizations, and systems for monitoring economic and social policies and programmes that might have a fundamental impact on the attainment of these rights.

5. We support the statements contained in the "Limbourg Principles" with a view to clarifying the basic minimum components of each right and identifying breaches by States that constitute violations of the Universal Declaration, recognizing that this process is incomplete and needs more work. We agree with the recommendations made by Mr. Danilo Türk, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, on all aspects of the work of the group of experts on social indicators.

6. As our socio-economic research confirms the specific, negative impact that structural adjustment programmes in this region have on the attainment of economic rights, we will make a number of general observations concerning such measures.

7. Structural adjustment programmes are implemented at the behest of global financial organizations and not as sovereign approaches to development undertaken by democratically elected governments. These programmes are often imposed as a standard package of formulas that do not take into account national economic characteristics, even when these are very significant. These "formulas" frequently make the granting of multilateral financial resources contingent on the adoption of swift, Draconian changes in economic policy.

8. Even if we accept the argument that the mass suffering caused by radical adjustments in economic structures (shock treatment) is necessary in order to achieve strong economic growth in the future, the macroeconomic growth rates resulting from structural adjustment programmes, objectively considered, do not appear to be markedly different from those associated with earlier models.

9. Despite the recent incorporation of "social emergency programmes", which somewhat mitigate the impact of structural adjustment, the basic rationales of structural adjustment inevitably leads to a sharp structural reduction in governments ability to intervene on behalf of affected populations, as their regulatory power is severely curbed.

10. At the same time, liberalization measures have sparked a change in productive and service activities; swift, steep reductions in tariff rates and tighter credit markets have hurt production geared to domestic markets and favoured trade and productive activities for the international market. As the level of employment in the sectors where new investment is being channelled is well below what would have been generated by a surge in domestic markets, dramatic increases in unemployment and underemployment levels have frequently occurred. Wages drop in real terms, many people are forced to lead a precarious existence in the informal sector and fewer people receive the benefits traditionally associated with participation in formal labour markets (social security, vacation, labour laws, etc.).

11. This negative redistribution of national income affects the very strata of the population least equipped to absorb a deterioration in their standards of living or to mobilize in order to influence those who make the policies. Adjustment policies have aggravated the situation of the poor, for their wages have fallen in real terms, their access to education and health services has been reduced because of government cut-backs and investment in housing has dropped substantially.

12. Increasingly, the spread of poverty has manifested itself in civil strife. States tend to resort to the use of armed force to control the portion of the population that is adversely affected in those countries where structural adjustment is being implemented. As a result, the basic causes of government violations of civil and political rights in many countries are no longer political but economic. Ironically, the result is "equal violation" of socio-economic and civil and political rights in the name of economic stabilization and future growth.

6. Asamblea Permanente de Derechos Humanos de Bolivia

Violations of fundamental human rights

The Asamblea Permanente de Derechos Humanos de Bolivia (APDHB) considers that this preparatory meeting should state very clearly the causes which continue to give rise to violations of fundamental human rights despite the existence of constitutional Governments in Latin America.

I. One of the main problems has to do with neoliberal economic policies which, when applied without regard to the social context, aggravate the poverty of our peoples. This is evidenced by the rising rates of infant mortality, malnutrition and other consequences of poverty, along with the gradual increase in the external debt.

This situation has led to the violation of collective rights, inasmuch as hunger among the people is the price that is being paid for the measures imposed by the International Monetary Fund. That is in fact what led the Tribunal Permanente de los Pueblos, in one of its sessions, to condemn this type of policies, inasmuch as the way in which they are imposed, as well as their consequences, constitute crimes against humanity.

We suggest that this preparatory meeting should propose to the World Conference in Vienna that it adopt a resolution on this matter, whereby it

would condemn economic policies that threaten the right to life, as well as social rights, and recommend to governments that, in preparing their budgets, they should give priority to social issues (health, education) rather than to other matters, such as financing of the external debt, of repression and of defence.

II. Another cause of human rights violations is the fact that governments do not have the political will to try to improve the democratic system, with a view to establishing governments that are truly participative, not only for politicians but also for the people.

We suggest that mechanisms of popular participation be set up in every country. Thus, important decisions which affect the destiny of States would first be submitted to the people, either by means of referenda or other measures, so as to take into account the interests of all citizens and not only those of the international financial sectors.

III. We consider that the lack of full autonomy of the different branches of government, especially the judicial branch, distorts and weakens democracy to the point that the courts become mere satellites of the Executive Branch, and are frequently used as instruments of political repression. The courts often act in obvious subordination to the government that happens to be in power at the time, and corruption is widespread.

We ask that the United Nations recommend to governments that they strengthen and guarantee freedom of action for their democratic institutions, and promote the appointment of independent judges on the basis of moral character and professional qualifications rather than political and partisan interests. Thus, citizens who take their cases to the courts or who are taken to trial would know that they would be standing before impartial judges who respect the law and act in a spirit of justice.

IV. Impunity. We note with great concern that most of the perpetrators of crimes against humanity remain unpunished; this is due to the lack of political will of governments and of the bodies that have the jurisdiction to punish them. We therefore support the International Law Commission's proposal on the creation of an international criminal court in order to make it possible to punish these crimes. We also suggest that this preparatory meeting should propose to the World Conference at Vienna that it establish the imprescriptibility of crimes against humanity, and that the definition of such crimes be ratified by national governments.

V. Finally, inasmuch as the impunity of one or more former dictators is not the problem of any particular country, but rather of the international community as a whole, our organization requests that a recommendation be made to States to make every effort to detain some former dictators who are still free and are even being protected by certain political sectors, despite the fact that criminal charges have been brought against them.

7. Guyana Human Rights Association

The right to development

1. The right to development is inalienable, as established by the General Assembly in its resolution 41/128 of 4 December 1986. Development in its full sense is achieved by the enjoyment of political, economic, social, cultural and democratic rights together with the protection of minorities against discrimination and defence of the environment. The international human rights instruments taken together, therefore, provide a normative framework within which the development process chosen by States must take place.

2. A grave danger exists that such a process of development will be diverted from its goals by two major obstacles confronting governments. One such obstacle occurs at the level of effective compliance and the other with respect to the United Nations agencies in charge of development.

3. An increasing number of countries are signatories to two sets of international agreements. On the one hand States have committed themselves by ratification to uphold the norms and values contained in the international human rights instruments. On the other hand, the same countries enter into agreements with the international financial institutions with a view to economic recovery. The central strategy of these latter agreements is normally to circumscribe the capacity of governments to comply with the obligations contained in the former agreements in the areas of economic, social and cultural rights. In addition to endangering levels of achievement already secured, the tensions created by these competing obligations endangers the gains made in the process of democratization by fuelling social unrest.

4. Governments of the Latin American and Caribbean region, confronted by such conflicting tendencies must attempt to achieve higher levels of consistency between the process of domestic policy formation which embodies the norms and goals of the international instruments and the forms of international cooperation into which they enter and which are not inspired by similar values.

5. Similar efforts to achieve greater coherence and consistency in the area of development policies should be demanded of the United Nations agencies and other intergovernmental agencies charged with the development responsibilities. Realization of the Right to Development is impeded by the narrow, compartmentalized, isolated and frequently unproductive ways in which these agencies interpret their mandate. Strong voices on the Commission on Human Rights have argued, and thus far won the day, that promotion of the Right to Development is a matter for the Development Agencies, which for their part use the same arguments to avoid responsibility for ensuring that their programmes conform to and promote the norms of economic, social and cultural rights. Perhaps, more than any other single factor at the levels of development cooperation, this fragmentation has robbed the United Nations system of an integrated and dynamic approach to implementing the Right to Development.

Recommendations

6. In order to counter these tendencies in the field of international cooperation we recommend the following steps as regards the United Nations agencies charged with the implementation of Human Rights and Development:

(a) Systematic exchanges should be introduced between the agencies as a constitutive part of their mandate in order to ensure a higher level of coherence between the norms which govern international financial and technical cooperation and the international human rights instruments;

(b) The United Nations agencies must give greater priority to the provision of methodologies appropriate to measuring the progress made by States in implementing economic, social and cultural rights.

8. Guyana Human Rights Association

United Nations action in the field of equality and non-discrimination

1. Within a larger world growing increasingly intolerant and fearful of difference, the Latin American and Caribbean region has thus far avoided the upheavals of racial and cultural violence on a scale which threatens the societies. Diversity, on balance, remains an asset rather than a liability. However, the region is not immune to the influences, especially economic hardship, which fuel intolerance and discrimination in other parts of the world.

2. It is becoming increasingly clear that formal democratic structures alone are insufficient as a safeguard against intolerance and bigotry. Targets of racial, religious, ethnic and gender intolerance are categories of persons making discrimination predictable because a person is a member of a particular ethnic group, gender or religious persuasion rather than because of the person's behaviour. Norms of humanity which govern social life are seen as valid within one's own group and not for those outside that group, thus calling into question, not the content of rights but the range of their validity, or, in other words, the universality of rights.

3. Added urgency of the problems of intolerance and discrimination is provided by the pressures of extreme market-oriented strategies and forms of international cooperation which are relegating the concept of social justice to the margins of political discussion. Hence, equality or, more precisely, equal access to the enjoyment of rights and liberties is steadily eroded.

4. Reaffirmation of the concepts of equality and non-discrimination as values superior to the loyalty of blood or common heritage, and superior also to nationalist affirmations, is urgently needed in the Latin American and Caribbean region. The international human rights instruments remain the one area of social and economic policy formation in which the legitimacy of the concepts of equality and non-discrimination remains viable and intact. While assigned to the margins of international economic and social development strategies, the international human rights commitments provide a platform on which these values can be strengthened.

5. While many governments of the Latin American and Caribbean region are signatories to the main international instruments governing forms of discrimination and inequality, covenant ratification has had little overt impact on domestic economic and social policy formation. The value of international instruments conceived primarily for domestic policy formation is not well understood and those instruments are under-utilized both by governments and non-governmental organizations.

Recommendations

6. Governments of the Latin American and Caribbean region, using the opportunity provided by the World Conference on Human Rights, should recommit themselves to the eradication of all forms of discrimination.

7. Such a recommitment should be manifest in strong support for more effective ratification of and compliance with the provisions of international human rights instruments governing the elimination of inequality and discrimination.

8. Allocation of adequate financial provisions to support the work of treaty bodies is an essential step for the effective carrying out of the work of these bodies.

9. The World Conference should provide the opportunity for the creation of more effective technical services to assist governmental compliance with the provisions of international commitments in the area of equality and non-discrimination.

9. Colombian League for the Rights and Liberation of Peoples

Impunity of crimes against humanity in Latin America

In November 1989, the International League for the Rights and Liberation of Peoples, together with the Permanent Peoples' Court and dozens of human rights organizations, unions and indigenous, civic, religious, humanitarian, cultural and political organizations, put "Impunity of Crimes against Humanity in Latin America" on trial. The outcome of the trial, in April 1991, solemnly reaffirmed that the right to truth, enshrined in international law, and, consequently, the exercise of justice are pressing concerns that cannot be postponed on this continent of hope and oblivion, where sadness and perplexity, rage and impotence, solidarity and scandal, fear and piety walk hand in hand. 1/

We have therefore assumed the difficult task of bringing to light and exposing to the international community incidents of violence unleashed against our peoples, which have been covered up in order to guarantee that they will go unpunished and will continue, as a means of controlling the reaction of shame, indignation and defiance they would arouse in the moral conscience of mankind.

1. The above-mentioned trial brought out that serious violations of fundamental human rights, such as the enforced disappearance of persons; torture; cruel, inhuman and degrading treatment; and individual and collective

murders, which, with others, constitute crimes against humanity, were frequent occurrences, committed, endorsed or tolerated by Latin American States; they continue to be concealed under the veil of impunity, and there has been no explanation, no trial, no punishment of their authors and, consequently, no reparation for the victims.

2. A comparative study of Latin American legislation gives some insight into how laws on amnesty and pardon, due obedience, national security principles and ideologies, police and military courts, emergency decrees, the judiciary's loss of independence and the militarization of the administration of justice, among others, have become the chief mechanisms for supporting and maintaining impunity on our continent.

3. Impunity is not a problem that affects only certain regions of the world 2/ and crimes against humanity have a political dimension, as they preclude any possibility of coexistence among human beings and, therefore, prevent any form of democracy from resolving social conflicts. 3/

4. The processes of transition to democracy and peace negotiations in situations of internal conflict are doomed to failure if they do not address the question of punishing those guilty of such crimes, barring State officials who have violated human rights from public service and banning policies that prompt them to do so. Democracy with impunity is inconceivable. 4/

5. Penalties must be imposed for the grave violations of human rights committed in the past, since crimes against humanity are imprescriptible and international law requires that their authors be punished. 5/

6. Impunity undermines the effectiveness and legitimacy of international law by denying the actionable character of human rights violations established in the Universal Declaration and the International Covenant on Civil and Political Rights.

7. Impunity is itself a violation of the right to justice, since States are bound to duly protect the rights of their nationals and to prosecute and punish acts which constitute attacks on these rights, and impunity becomes more serious and intolerable when it is intended to protect State officials who have violated basic rights.

8. The condemnation of impunity in Latin America is a task which goes beyond tribunals and legislation, since it basically represents a duty of peoples to humanity itself. Therefore, the Latin American people, who have repeatedly been victims of this scourge, will not cease their struggle and their voices will be raised in constant and vigorous warning to ensure that the acts from which we have suffered will never happen again.

We urge the official delegations attending this Meeting to support the work of the group composed of the experts Louis Joinet and El Hadji Guisse, whom the Sub-Commission on Prevention of Discrimination and Protection of Minorities (resolution 1991/110) designated to study the topic of impunity, and to endorse and act upon the recommendations of that group.

Lastly, we recall the words of our Nobel laureate Gabriel García Márquez, as living testimony of our hope:

> "We spinners of tales who believe in everything believe it is not too late to begin building an alternative utopia, a new and transforming utopia of life, where no one can dictate to others even the manner of their death, where love and happiness are real, and where the races condemned to 100 years of solitude may have, finally and forever, a second chance on this Earth". 6/

Notes

1/ Javier Giraldo, forward to "Proceso a la Impunidad de Crímenes de Lesa Humanidad en América Latina", Bogotá, April 1991.

2/ Letter from non-governmental organizations to Messrs. Joinet and Guisse, February 1992.

3/ Ibid.

4/ Ibid.

5/ Ibid.

6/ Gabriel García Márquez, "La Soledad de América Latina". Stockholm, 1982.